1   Mr. Stacy states there in his affidavit that

2   Albion was given exactly the same information that

3   BellSouth has supplied to CLECs, including -- and

4   there are three things listed there, the LENS CGI

5   specification, the EDI-PC specification, and

6   access to LENS and EDI-PC.

7   Is that a correct reading?

8   A.   That's correct.

9   Q.   This question is directed to

10 Mr. Runnels. Mr. Runnels, that list of three

11 things that were listed there, were you provided,

12 or to your knowledge, was Albion provided anything

13 outside that list of three?

14 BY MR. RUNNELS:

15   A.   Not in document format. There were

16 phone calls for clarification about the

17 documents. But there were no other documents

18 provided.

19   Q.   And these clarifying phone calls took

20 place between you and the resource persons

21 listed --

22   A.   (Witness nodded head affirmatively.)

23   Q.   -- at the end of this document?

24   A.   That is correct.

25   Q.   Would you say that primarily most of

1   these phone questions were responded to by Alex

2   Dizon?

3   A.   No.   In most cases, I would ask Alex

4   if -- and Alex was just a business contact.   He

5   wasn't aware of the technical specifications.   He

6   would refer me to who he thought would help who --

7   I guess normally who a CLEC would go to.   I'm not

8   sure.   And I would contact that person.

9   If that wasn't who was responsible for

10   that, they would send me to somebody else.

11   Sometimes it was -- in the case of Raymond Betts,

12   sometimes I would get answers from Carol Douglas,

13   since she was in charge of his work.

14   Q.   Okay.

15   A.   In some cases, he would call me back

16   directly.

17   Q.   Okay.   And you testified earlier that

18   you did not consult with any CLECs as to the

19   information that had been furnished to CLECs by

20   BellSouth and if CLECs wanted to develop a similar

21   application.   Did you consult with CLECs for any

22   reason whatsoever in connection with this

23   project?

24   A.   Could you break that up into separate

25   questions?

1   Q.   Right. Yes, I'm sorry. You had

2 testified earlier, I believe, that no one from

3 Albion had contacted or consulted CLECs as to the

4 information that had been furnished to CLECs.

5 BY MR. BERMAN:

6   A.   And I said --

7   Q.   -- if they wanted to develop the same

8 or similar applications.

9   A.   And I answered no to that.

10   Q.   Right.

11   MR. ALEXANDER: I think Mr. Berman

12 answered no to that. And Mr. Runnels said he went

13 and checked the internet and saw the information

14 that was available to CLECs.

15   MR. RUNNELS: The information that we

16 had was out there on the Internet.

17 BY MR. ATKINSON:

18   Q.   Okay. And my question is, did you

19 consult -- did anyone at Albion to your knowledge

20 consult with CLECs for any reason in connection

21 with this project?

22 BY MR. BERMAN:

23   A.   No.

24 BY MR. RUNNELS:

25   A.   To my knowledge, that did not happen.

1   Q.   Do you know whether BellSouth ever
2 requested input from CLECs regarding the design of
3 the OP software?
4   A.   I don't know that.
5   Q.   Mr. Berman, do you know that?
6 BY MR. BERMAN:
7   A.   I don't know that either.
8   Q.   I'll direct your attention, gentlemen,
9 to page 2 of the Albion report under development
10 environment where you list out several different
11 kinds of hardware and software that were used in
12 the development process. One of the components
13 listed there is repository base development.
14   Mr. Berman, could you please identify
15 for us exactly what that is?
16   A.   Repository base development is --
17 effectively, the application development
18 environment that we used is built around the
19 repository of shared information -- in this case,
20 libraries of classes and methods and such like
21 that.
22   And so effectively, a repository based
23 environment or a development environment, it's a
24 team based environment where you're checking
25 components in and out and sharing that as you

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1 build that up to the final product. It's not a

2 product in and of itself.

3   Q.   So this has to do with the framework of

4 libraries and classes that was considered

5 proprietary by Albion?

6   A.   No. This is actually a part of the

7 actual application development environment, which

8 is Forte.

9   Q.   All right. Gentlemen, I'll direct this

10 question to you one at a time. What materials, if

11 any, did you review in preparation for your

12 appearance here today?

13   A.   We met with the BellSouth attorneys

14 yesterday. And basically they told us --

15 explained to us what was going to happen and to

16 tell the truth. And they showed us the -- I've

17 seen the affidavit that was filed in I guess

18 Kentucky and one for Louisiana. We actually even

19 saw a video on doing depositions yesterday

20 afternoon.

21   Q.   And that was a BellSouth produced

22 affidavit?

23   MR. ALEXANDER: I'll answer that. No.

24 It's commercially available I think this one is

25 Knowles Law Publishing.

1   MR. MERSHON: You can borrow it.

2   MR. ALEXANDER: We'll loan it to

3   Sprint.

4   MR. MERSHON: Slight charge.

5   (A discussion was had off the record.)

6   BY MR. ATKINSON:

7   Q.   And, Mr. Runnels, I'll direct the same

8   question to you. Did you see anything in addition

9   to our what Mr. Berman has?

10   BY MR. RUNNELS:

11   A.   I saw the same things that Greg did.

12   No more, no less.

13   Q.   Mr. Runnels -- this may be finally, so

14   I will preface this with finally, you discussed

15   earlier today in your testimony your knowledge of

16   the testing I believe that BellSouth had done with

17   the software that they received from Albion as a

18   completed product. Is that correct? Did you

19   discuss that today?

20   A.   I'm not sure. Can you rephrase that?

21   Q.   Well, let me rephrase. You used the

22   phrase acceptance testing, I believe, in

23   connection with what Mr. Dizon did with the

24   completed software.

25   A.   That is correct.

1   Q.   And to your knowledge, were there any

2 other kinds or categories of testing that

3 BellSouth performed on the completed software

4 application completed by Albion?

5   A.   I don't know.

6   Q.   This was the only kind of testing you

7 discussed with Mr. Dizon though was the acceptance

8 testing?

9   A.   That is correct.

10   MR. ATKINSON: One moment.

11   (A discussion was had off the record.)

12   MR. ATKINSON: Actually, I did mean

13 final. Thank you, gentlemen.

14   (A discussion was had off the record.)

15   MR. ALEXANDER: BellSouth will ask

16 redirect.

17   (A short recess was had.)

18   EXAMINATION

19 BY MR. ALEXANDER:

20   Q.   For the record, I'm Tom Alexander,

21 representing BellSouth. And I'll be asking

22 questions redirect, I suppose, to the two

23 witnesses being deposed from Albion today. I

24 guess I'll ask Mr. Berman some of the general

25 questions about the project and information like

1   that.

2   Mr. Berman, I'm trying to find some

3   notes I had. What were the amount of time that

4   you spent, I believe -- at this point, I can't

5   recall who asked the questions. I think it was

6   MCI. You responded that you wrote a little bit of

7   source code in order to interface with one of the

8   other systems.

9   I don't even recall which system it

10 was, but you did write a little bit of code; is

11 that correct?

12 BY MR. BERMAN:

13   A.   Yes, sir.

14   Q.   How much -- what percentage of the code

15 was written for the Albion -- ordering

16 pre-ordering, the rest of them, integration

17 interface that BellSouth hired, what percentage of

18 the code did you write out of that?

19   A.   Less than one.

20   Q.   Less than one percent? So it's fair to

21 say that the majority of the code, the vast

22 majority -- 99-point-something percent of the code

23 was written by the programmers?

24   A.   That's correct. I wrote less than two

25 hours.

1   Q.   And other questions were asked during

2 cross earlier today -- I can no longer say

3 earlier -- this morning, concerning the scope of

4 the project and how much money. And I believe we

5 determined that between 19 and $20,000 additional

6 over what's shown on page 1 of the Albion project

7 report was added to it after the April 30th, 1998

8 end date; is that correct?

9   A.   That's correct.

10   Q.   And did that include -- the additional

11 19 to $20,000, did that include meetings that

12 Albion would have had with -- I believe someone

13 referred to auditors from BellSouth from Ernst &

14 Young?

15   A.   Yes, sir.

16   Q.   And would that have also included

17 talking with Albion employees, talking with

18 BellSouth employees, concerning this acceptance

19 testing that we heard about?

20   A.   Yes, sir.

21   Q.   And would that also -- that additional

22 money that's not present on page 1 of the document

23 also include the documentation writer's time and

24 expenses?

25   A.   That's correct.

1   Q.   And when we talked about the

2   documentation writer, that's someone outside of

3   Albion?

4   A.   That's correct.

5   Q.   That would have been money Albion would

6   have had to pay a third party?

7   A.   That's correct.

8   Q.   And as to the time it was completed,

9   the document shows on page 1 that it started --

10   the OPII started on February 24th of 1998, and

11   completed April 30th, 1998. Was the major

12   functionality accomplished during that time

13   frame?

14   A.   Yes, sir.

15   Q.   And I believe you said there were --

16   somebody used the term -- one of the attorneys for

17   the intervenors used the term for some other

18   programming type problems maybe and used the term

19   bugs. Would those have been things that were just

20   considered cleanup after a project is done?

21   A.   Yes, sir.

22   Q.   Is that true in other instances, other

23   projects you do for other clients?

24   A.   That's true in software worldwide.

25   Q.   So the fact that the begin date and end

1   date is listed and there is some follow-up later

2   is not indicative of something unusual about this

3   project?

4   A.   That is correct.

5   Q.   And the scope of the original project,

6   you listed that also on the executive overview on

7   page 1. The parsing of CSRs, I believe we've

8   heard both of you say differently, but it was at

9   the end of the project when it even first came up;

10   is that correct?

11   A.   That's correct.

12   Q.   So it was not a part of your primary

13   work?

14   A.   That's correct.

15   Q.   Would you describe it as a minor part,

16   a small part? How would you describe it, since it

17   wasn't in the original scope of the project?

18   A.   Very minor.

19   Q.   We talked about -- I guess someone

20   tried to categorize the amount of that 19 or

21   $20,000 that was over the amount shown, the

22   120,675 that's shown on page 1, as being four

23   weeks of programming.

24   Would it be more accurate to say,

25   Mr. Berman, that that's really four weeks of a

1   programmer's time or someone else at Albion's time

2   doing the things that I just went over earlier,

3   meeting with an auditor from BellSouth or talking

4   with BellSouth as they went through acceptance

5   testing and those type things?

6   A.   That's correct.

7   Q.   I just want to be clear that that's not

8   additional programming that's taking place on this

9   main project.

10   A.   Yes, sir. One thing to add, the reason

11   why that number did not make it into this document

12   is that our invoicing is in arrears. And so I'm

13   not privy to that information based on when this

14   document was due out.

15   Q.   There was no intention to hide this

16   additional steps or work --

17   A.   No.

18   Q.   -- that BellSouth actually paid Albion

19   to perform?

20   A.   No, sir.

21   Q.   And you were also asked questions about

22   the documentation that BellSouth furnished to

23   Albion. And the context was that you guys are to

24   act or mimic, I believe I've heard several times

25   today, as a CLEC would in developing this

1   interface?

2   A.   That's correct.

3   Q.   And you listed the documentation -- I

4   believe counsel for AT&T attempted to insert that

5   there was actually four documents, a LENS CGI spec

6   for 2.0 or some earlier version than the 2.1

7   that's listed in your report here. Do you recall

8   that?

9   A.   Yes, sir.

10   Q.   Would it be more accurate to say that

11   that's really not -- there really are not four

12   different documents, but one of those items was an

13   update to one that you already had?

14   A.   That's correct.

15   Q.   And in fact, Mr. Runnels, did you

16   testify earlier that nothing had changed that

17   affected your work when you were given the updated

18   version of the LENS CGI interface specification?

19   BY MR. RUNNELS:

20   A.   Yes. Actually, just as a side note,

21   I've been contacted by Alex Dizon because a recent

22   change has gone into LENS, apparently even newer

23   specifications. And he was concerned that what we

24   had done might be affected by that.

25   And I'm not sure what the changes were

1   made, but even though this newer documentation

2   came out, our application was still working the

3   way it was originally designed.

4   Q.   And was it your understanding,

5   Mr. Runnels, that Albion was to act as a CLEC, and

6   that's the way BellSouth provided documentation

7   and instructions to Albion?

8   A.   Well, I'm not sure that we were

9   provided the information in the same way. I don't

10 know what process a CLEC normally goes through to

11 get that information. I do know that the

12 information that we were provided was no different

13 than what would be provided to a CLEC.

14   Q.   How do you know that?

15   A.   Mr. Dizon told me that. And actually

16 if you go to the BellSouth interconnection web

17 site, you can find -- provided you have access to

18 that, you can find those documents.

19   Q.   Thank you, Mr. Runnels. Mr. Berman,

20 I'm directing this to you. I believe in response

21 to an earlier question, you indicate that the user

22 interface part of the project took about, I guess,

23 the first four weeks or 24, 25 percent of the

24 time?

25 //

BY MR. BERMAN:

1   A.   That's correct.

3   Q.   Do you recall that?   And that the time

4 spent by Albion on doing the actual integration of

5 the CGI and the EDI interfaces was about

6 75 percent of the time?

7   A.   That's correct.

8   Q.   All right.   What percentage of the time

9 of that amount would you have said would have been

10 spent on parsing customer service records since it

11 came at the end of the project?

12   A.   Probably less than 3 percent,

13 1 percent, very little.

14   Q.   Would it be accurate to say that all

15 the source code development was done prior to

16 April 30, 1998, for the project?

17   A.   Everything except possibly any code

18 that was written for that view CSR.

19   Q.   When I said the project, I really was

20 referring to developing the interface that

21 Albion -- that you all refer to as the

22 Ordering/Pre-ordering Integration Interface, the

23 OPII software.

24   Was that all done, the code

25 development, etc., prior to April 30th, 1998?

1   A.   Yes, sir.

2   Q.   And you were asked a series of

3 questions about the various screens that appear or

4 windows that appear in your report. And I

5 believe, Mr. Runnels, I heard you say something

6 that a lot of this is done for presentation

7 purposes.

8   Does that mean that there may be

9 machine to machine interfaces that are not going

10 to appear on these windows or screens where the

11 user can actually see what's going on?

12 BY MR. RUNNELS:

13   A.   That's correct.

14   Q.   And while we're talking about these

15 screens -- and I won't ask you about concatenated,

16 but these are not intended to be all inclusive, or

17 are they, of the functionality of the OPII

18 application? From what a viewer could see?

19   A.   From what a viewer could see?

20 Everything that a viewer can see has been shown.

21   Q.   Okay. But there are other activities

22 occurring machine to machine that's not

23 displayed?

24   A.   There are examples of how the

25 interaction takes place specifically within the

1 application for retrieving a list of telephone

2 numbers, parsing that list of telephone numbers.

3   But there's no -- there's not a listing

4 of how it's done for each type of request, like

5 address validation or services and features,

6 basically because it's all done the same way. So

7 it suffices only to put one example in there.

8   Q.   Okay. And you mentioned in your

9 materials that Albion used some underlying

10 software development tools or programs; is that

11 right, Mr. Berman?

12 BY MR. BERMAN:

13   A.   Our component libraries.

14   Q.   Your component libraries, I believe

15 your --

16   A.   Framework.

17   Q.   I think on page 2, under development

18 environment, is that where those are listed?

19   A.   That's correct. It's page 2.

20   Q.   Do you know whether or not -- first of

21 all, has Albion done work for other companies that

22 may use this type of underlying development

23 software?

24   A.   Yes.

25   Q.   Can you tell us some of those

1   companies?

2   A.   Atlantic Mutual out of Roanoke,

3   Virginia, Liberty Mutual out of Danvers, New

4   Hampshire -- actually, Massachusetts, Portsmouth,

5   New Hampshire. Jack is using it at BellSouth

6   Communications Systems in Roanoke.

7   Q.   And that's a separate company than the

8   work you did for --

9   A.   That's correct.

10   Q.   -- BellSouth Telecommunications --

11   A.   That's correct.

12   Q.   -- that you're discussing in this

13   deposition?

14   A.   That's correct. So that's three

15   examples.

16   Q.   Do you know whether or not, for

17   example, MCI or a company affiliated with MCI has

18   used any of this underlying development software?

19   A.   Our development software?

20   Q.   No. The Forte, I assume that's another

21   party. Microsoft NT, OS, Oracle, any of those.

22   Forte Software, Forte application development

23   environment, are those Albion's or are those

24   from --

25   A.   That's from Forte Software out of

1   California.

2   Q.   Do you know whether or not those are

3   available to companies like MCI?

4   A.   Yes, they are.

5   Q.   Do you know if MCI is using that?

6   A.   MRI System House is actually a Forte

7   integrator. Companies like Sprint, who is one of

8   our clients, is currently using Forte. Quest LCI

9   uses Forte. U.S. West has got a very large

10   project in Forte right now. And BellCore is

11   actually using Forte, B-e-l-l-C-o-r-e.

12   Q.   You mentioned that Sprint is one of

13   Albion's client's. Are there other

14   telecommunications carriers that Albion has done

15   software development or programming work for?

16   A.   Albion has worked with LCI, Quest LCI

17   now. Albion has also done work with LBDS, which

18   is now WorldCom. Albion has actually provided

19   some consulting services to AT&T Universal Card.

20   Q.   If you had to characterize in a

21   sentence or less what was the main purpose of the

22   effort Albion did for BellSouth, how would you do

23   that?

24   A.   Prove the integration viability of an

25   application on top of two pieces of functionality

1   that are preexisting within BellSouth and the

2   specifications exist to do that.

3   Q.   Is Albion willing and able to help MCI,

4   AT&T or Sprint or other carriers that may want to

5   perform the integration of the CGI interface or

6   the EDI interface?

7   A.   Sure.

8   Q.   Has MCI, AT&T or Sprint or any other

9   carriers that are represented by the attorneys at

10   this table asked Albion to do those functions?

11   A.   No.

12   Q.   Would you have -- how long did it take

13   to complete this project? Was it February 24 to

14   April 30 date? Is that the time frame, roughly

15   nine weeks?

16   A.   Correct.

17   Q.   From your experience in doing this type

18   of work, Mr. Berman, would you describe this as an

19   extremely complicated project that Albion

20   undertook? Or what degree of difficulty in

21   comparison to other projects?

22   A.   All software is complex. I would say

23   probably a 5 on a scale of 1 to 10.

24   Q.   So medium range difficulty?

25   A.   (Witness nodded head affirmatively.)

1   Q.   On the subject of customer service

2   record parsing, has MCI asked, to your

3   knowledge -- Mr. Berman, I'll direct to this to

4   you -- to assist them in integration or in

5   customer service record or CSR parsing?

6   A.   No.

7   Q.   Did Albion electronically construct and

8   submit an order via the EDI interface as part of

9   this project?

10   A.   That's correct.

11   Q.   Did Albion need to use parsed customer

12   service record, CSRs, in order to accomplish

13   that?

14   A.   No, sir.

15   Q.   Mr. Runnels, I want to follow up on

16   some questions that were asked you about a

17   conversation you had with Mr. Turner from MCI and

18   a Mr. Alden. Was that correct, A-l-d-e-n?

19   Do you recall those questions?

20   BY MR. RUNNELS:

21   A.   Yes.

22   Q.   First, how many telephone calls did you

23   receive from anybody at MCI, Mr. Runnels?

24   A.   There may have been a total of three.

25   I think there was the first one, where Mark said

1   he wanted to set up a conference call. There may

2   have been a second one the next day in which he

3   called and said that he couldn't get ahold of the

4   developer at the certain time or something like

5   that.

6   We were dealing with different time

7   zones. And then there was a third one where the

8   actual CSR was discussed.

9   Q.   So two or three, depending on if the

10   second one actually occurred or not, but maybe

11   three times you talked to someone from MCI?

12   A.   Yeah.

13   Q.   Mr. Berman, how about you? How many

14   CLECs called you?

15   BY MR. BERMAN:

16   A.   I'll list them. I had Quest LCI call.

17   I had --

18   Q.   Was that one or more calls?

19   A.   That was one phone call. At least one

20   phone called with Intermedia. One phone call

21   with -- well, with MCI, I had a phone call from

22   Vinnie Clemmons.

23   Q.   Who is Mr. Clemmons, to your knowledge?

24   A.   Works for MCI out of Virginia.

25   Q.   Was he a software type person, IS,

1   Information Systems?

2   A.   He said he was representing IS.

3   Q.   Okay. Go ahead.

4   A.   The second MCI phone call was from Mark

5   Turner. And there may have been one more phone

6   call with Mark. I don't remember.

7   Q.   Anybody from AT&T ever call either of

8   you gentlemen?

9   A.   No.

10   BY MR. RUNNELS:

11   A.   No.

12   Q.   Did anybody from Sprint ever call

13   either of you gentlemen?

14   A.   No.

15   BY MR. BERMAN:

16   A.   No.

17   Q.   Would you have had any reason to call

18   anybody from AT&T or Sprint or other CLECs as a

19   part of doing your job that you were contracted

20   with BellSouth to develop the

21   Ordering/Pre-ordering Integration Interface, the

22   OPII?

23   A.   No.

24   Q.   Mr. Mark Turner from MCI is here today

25   attending this deposition, along with Mr. Jay

1   Bradbury from AT&T, observing. Have either of you

2   ever met with or laid eyes on Mr. Turner before

3   today?

4   A.   No.

5   BY MR. RUNNELS:

6   A.   No.

7   Q.   Mr. Runnels, when you were asked about

8   a conversation that you had by telephone,

9   conversation you had with Mr. Turner, and it was

10   identified later Mr. Alden on your last call with

11   them, did you have any idea -- well, how long did

12   that call last? Let me start there.

13   A.   I would say about 30 minutes. Rather

14   short conversation.

15   Q.   Did they tell you the purpose of that

16   call?

17   A.   I was told that -- and I can't remember

18   if Mr. Turner had said this before I started

19   talking to the developer, but another developer,

20   Mr. Alden, had said that they were trying to parse

21   a CSR, were having trouble doing that, and had

22   heard that we could do it.

23   Q.   Did they say where they heard that?

24   A.   I didn't ask. I assumed it was from

25   all this kind of stuff.

1   Q.   All this kind of stuff, you mean

2 regulatory type proceedings?

3   A.   Yes.

4   Q.   Who did most of the talking?

5 Mr. Turner or this Mr. Alden, the developer? Or

6 did they say what kind of developer Mr. Alden

7 was?

8   A.   I don't remember.

9   Q.   Did they say whether he worked for MCI

10 or was an outside consultant?

11   A.   I don't remember.

12   Q.   Who did most of the talking during this

13 conversation, the 30-minute conversation you had?

14   A.   Mr. Turner introduced Mr. Alden and

15 myself to each other, kind of started the

16 conversation off. And then Mr. Alden and I talked

17 just between the two of us for most of that 30

18 minutes or however long the phone call was.

19   And at the end, he asked Mr. Turner if

20 there was anything else that we needed to clear up

21 or if there was any other points to a conversation

22 that needed to occur. Mr. Turner said that there

23 wasn't. So the phone call ended.

24   Q.   So would it be fair to characterize,

25 given what you said, Mr. Turner started the